

RESOLUTION NO. R-92-187

RESOLUTION APPROVING ZONING PETITION NO. 89-124(A)
SPECIAL EXCEPTION PETITION OF GRAND PRIX ASSOCIATES, LTD.

WHEREAS, the Board of County Commissioners, as the governing body, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Chapter 402.5 of the Palm Beach County Zoning Code, have been satisfied; and

WHEREAS, Petition No. 89-124(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its Public Hearing conducted on October 24, 1991; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, has considered the evidence and testimony presented by the applicant and other interested parties, and the recommendations of the various county review agencies and the recommendations of the Planning Commission; and

WHEREAS, this approval is subject to the Zoning Code, Section 402.9 (Mandatory Review of Development Approvals) and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

WHEREAS, Chapter 402.5 of the Zoning Code, requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 89-124(A), the petition of GRAND PRIX ASSOCIATES, LTD., BY RUSSELL C. SCOTT, AGENT, for a SPECIAL EXCEPTION TO ALLOW A HORSE TRAINING AND BREEDING FARM on a parcel of land situated in the west 1/2 of Section 20, Township 44 South, Range 41 East, being the northwest 1/4 and the southwest 1/4 of said Section 20; LESS the south 1,369.98 feet and LESS Lots 1 and 2, GRAND PRIX FARMS, Plat No. 1, P.R.M. Plat Book 67, Pages 14-17; AND, on a parcel situated in the southwest 1/4 of Section 20, Township 44 South, Range 41 East, being the south 1,369.98 feet of the southwest 1/4 of said Section 20; LESS the west 50.00 feet of the north 1,199.98 feet of the south 1,369.98 feet of the southwest 1/4 of said Section 20, ALSO LESS the south 50.00 feet of the southwest 1/4 of said Section 20, ALSO LESS a parcel lying in the west 1/2 of said Section 20, COMMENCING at the southwest corner of said Section 20, thence North 00°50'05" East along the west line of the south 1/2 of said Section 20, a distance of 50.00 feet to an intersection with the north right-of-way line of the Acme Improvement District C-24 canal, Deed Book 1118, Page 89, and the POINT OF BEGINNING; thence continue North 00°50'05" East along said west line, a distance of 120.00 feet to an intersection with a line 170.00 feet north of and parallel with, as measured at right angles to the south line of

said south 1/2 of said Section 20; thence South 89°28'02" East along said parallel line, a distance of 50.00 feet to an intersection with the east right-of-way line of Acme Improvement District, C-2 canal, Deed Book 1118, Page 89, thence continue South 89°28'02" East along said parallel line, a distance of 1,843.30 feet; thence North 45°31'58" East, a distance of 16.97 feet to an intersection with a line 182.00 feet north of and parallel with, as measured at right angles to said south line; thence South 89°28'02" East along said parallel line, a distance of 263.00 feet; thence South 85°89'12" East, a distance of 180.40 feet to an intersection with a line 170.00 feet north of and parallel with, as measured at right angles to said south line; thence South 89°28'02" East along said parallel line, a distance of 329.30 feet to an intersection with the east line of the west 1/2 of said Section 20; thence South 00°50'56" West along said east line, a distance of 120.00 feet to an intersection with said north right-of-way line of the Acme Improvement District C-24 canal, said north right-of-way line being a line 50.00 feet north of and parallel with, as measured at right angles to said south line of said South 1/2 of Section 20; thence North 89°28'02" West along said north right-of-way line, a distance of 2,677.57 feet to the POINT OF BEGINNING, and being located ON THE S SIDE OF PIERSON RD., APPROX. 1.1 MILES W OF SOUTH SHORE BLVD., BOUND ON THE W BY THE C-24 CANAL ON THE S SIDE OF PIERSON RD., was approved on October 24, 1991, as advertised, subject to the following conditions:

A. STANDARD CONDITIONS

1. Prior to site plan certification, the site plan shall be amended to indicate compliance with all minimum property development regulations and land development requirements of Palm Beach County.
2. This Special Exception for horse training and breeding farms is granted concurrent with a rezoning to CRS. Development of the 241.7 acre portion of the site is limited to the uses and site design shown on the site plan approved by the Board of County Commissioners (Exhibit No. 38). Any modifications must be approved by the Board of County Commissioners unless the proposed use or design changes are permitted pursuant to Zoning Code Section 402.7(E)2(b) (Site Plan Review Committee Powers and Standards of Review) or required by the conditions of approval contained herein.
3. The petitioner shall submit an application to the Site Plan Review Committee for the certification of the site plan approved by the Board of County Commissioners for this site prior to February 7, 1992.
4. Prior to site plan certification, the petitioner shall amend the Concurrency Reservation for the site (Case #90-03-14-0033) to reflect a decrease in the number of dwelling units from 132 units to 128 units.

B. BUILDING AND SITE DESIGN

1. Prior to subdivision approval, the site plan shall be revised to reflect lots and rights-of-way that meet minimum adopted Subdivision and Zoning Code requirements. (Previously Condition No. 1 of Resolution No. R-90-830; Petition No. 89-124)

2. Gross density shall not exceed 0.4 dwelling units per acre. (Previously Condition No. 4 of Resolution No. R-90-830; Petition No. 89-124)

C. HEALTH

1. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site. (Previously Condition No. 5 of Resolution No. R-90-830; Petition No. 89-124)
2. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. (Previously Condition No. 6 of Resolution No. R-90-830; Petition No. 89-124)
3. No portion of this project is to be approved on well and/or septic tank. The existing septic tank serving a single family dwelling on the subject property and a second, interim septic tank servicing a mobile home sales and project administration office shall be permitted until water and sewer lines are installed and approved for service to the project. The existing and interim septic tanks shall then be removed in accordance with Chapter 10D-6 F.A.C. (Previously Condition No. 7 of Resolution No. R-90-830; Petition No. 89-124)

D. USE

1. The animal density regulations of Section 605.F of the Zoning Code shall apply to the CRS zoned portion of the subject property.
2. The animal limitations regulations of Section 605.F of the Zoning Code shall be noted in all sales literature.

E. ENGINEERING

1. Petitioner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer. (Previously Condition No. 2 of Resolution No. R-90-830; Petition No. 89-124)
2. The Developer shall provide discharge control and treatment for the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain on-site the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, Land Development Division. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement. (Previously Condition No. 8 of Resolution No. R-90-830; Petition No. 89-124)

3. Prior to February 1, 1992, or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for:
 - a. Lake Worth Road, a total of 120 feet of right-of-way on an alignment approved by the County Engineer;
 - b. For the construction of a right turn lane, east approach on Lake Worth Road at the project's entrance road. This right-of-way shall be a minimum of 150 feet in length with a taper length of 180 feet; free of all encumbrances and encroachments. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer. (Previously Condition No. 9 of Resolution No. R-90-830; Petition No. 89-124, as amended.)
4. The Property owner shall construct:
 - a. concurrent with the construction of Lake Worth Road by others a right turn lane, east approach and a left turn lane, west approach at the project's entrance road; or at the property owner's option, prior to February 1, 1992, deposit with Palm Beach County, \$38,700.00 to cover the cost of said turn lane construction.
 - b. at the project's entrance road and Pierson Road a left turn lane, east approach; concurrent with on-site paving and drainage improvements. (Previously Condition No. 10 of Resolution No. R-90-830; Petition No. 89-124, as amended.)
5. Condition No. 11 of Resolution No. R-90-830; Petition No. 89-124, which currently states:

"This project shall be limited to a total of 132 dwelling units (.40 du's/acre). Building Permits for any additional units shall only be available upon future approval by the Board of County Commissioners subject to meeting all future ordinances including but not limited to Traffic Performance Standards and the Comprehensive Land Use Plan."

Shall be amended to state:

"This project shall be limited to a total of 128 dwelling units (.40 du's/acre). Building Permits for any additional units shall only be available upon future approval by the Board of County Commissioners subject to meeting all future ordinances including but not limited to Traffic Performance Standards and the Comprehensive Land Use Plan."

6. The Property owner shall convey to Palm Beach County on or before February 1, 1992, adequate road drainage easements through the project's internal surface water management system to provide legal positive outfall for all runoff from those segments of Lake Worth Road along the property frontage and for a maximum 400 ft. distance each side of the property boundary lines along Lake Worth Road. Said easements shall be no less than 20 feet in width. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge and treatment requirements of the applicable County Water Control District and South Florida Water Management for the combined runoff from the project and District the ultimate Thoroughfare Plan Road Section(s) of the included segment. (Previously Condition No. 12 of Resolution No. R-90-830; Petition No. 89-124, as amended.)
7. The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. (Previously Condition No. 13 of Resolution No. R-90-830; Petition No. 89-124)
8. The property owner shall construct Pierson Road as a 2 lane paved section subject to approval by Acme Improvement District and the County Engineer, from the present paved terminus on the east to the west property line of the subject property. This construction shall be completed concurrent with on-site construction associated with the first plat of the project. All canal crossings if any within the project limits shall be constructed to their ultimate configuration. (Previously Condition No. 14 of Resolution No. R-90-830; Petition No. 89-124)
9. The Developer shall plat the subject property in accordance with provisions of Palm Beach County's Subdivision Platting Ordinance 73-4 as amended. (Previously Condition No. 15 of Resolution No. R-90-830; Petition No. 89-124)
10. Property owner shall provide written notice to all prospective purchasers of lots and/or homes within the project notifying them of the future extension of Lake Worth Road along the property's south property line. (Previously Condition No. 16 of Resolution No. R-90-830; Petition No. 89-124)

F. VEGETATION PRESERVATION

1. All native vegetation shall be preserved to the greatest extent possible. Clearing shall be limited to that necessary for construction of the access road and residential units. (Previously Condition No. 3 of Resolution No. R-90-830; Petition No. 89-124)

G. COMPLIANCE

1. Condition No. 17 of Resolution No. R-90-830; Petition No. 89-124 which currently states:

"Failure to comply with any conditions of approval may result in the denial or revocation of a building permit; the issuance of a stop work order;

the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property. Appeals from such action may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code."

is hereby amended to state:

1. As provided in Zoning Code Sections **400.2** and **402.6**, failure to comply with any of these conditions of approval at any time may result in one or more of the following:
 - a. The denial or suspension **of** a building permit or certificate of occupancy and use; the issuance of a stop work order; the denial or suspension of any permit or approval for any developer, owner, contractor, agent, tenant, lessee, or user of the subject property;
 - b. The revocation of any special exception for the property, as well as any previously granted certifications of concurrency or exemptions therefrom;
 - c. Rezoning of the property;
 - d. The addition or modification of conditions, including a requirement that the development conform with updated standards of development applicable at the time of the finding of non-compliance;
 - e. Citation of the property owner for violation of the Zoning Code.
2. Appeals of any departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Appeals **of** any revocation of special exception, rezoning, or other actions based on a Board of County Commissioners decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit.

Commissioner Roberts moved for approval of the Resolution.

The motion was seconded by Commissioner McCarty and, upon being put to a vote, the vote was as follows:

Karen T. Marcus, Chair	--	Aye
Carole Phillips	--	Aye
Carol A. Roberts	--	Aye
Carol J. Elmquist	--	Aye
Mary McCarty	--	Aye
Ken Foster	--	Aye
Maude Ford Lee	--	Aye

The Chair thereupon declared the resolution was duly passed and adopted this 4th day of February, 1992.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

Milton T. Bauer, Clerk

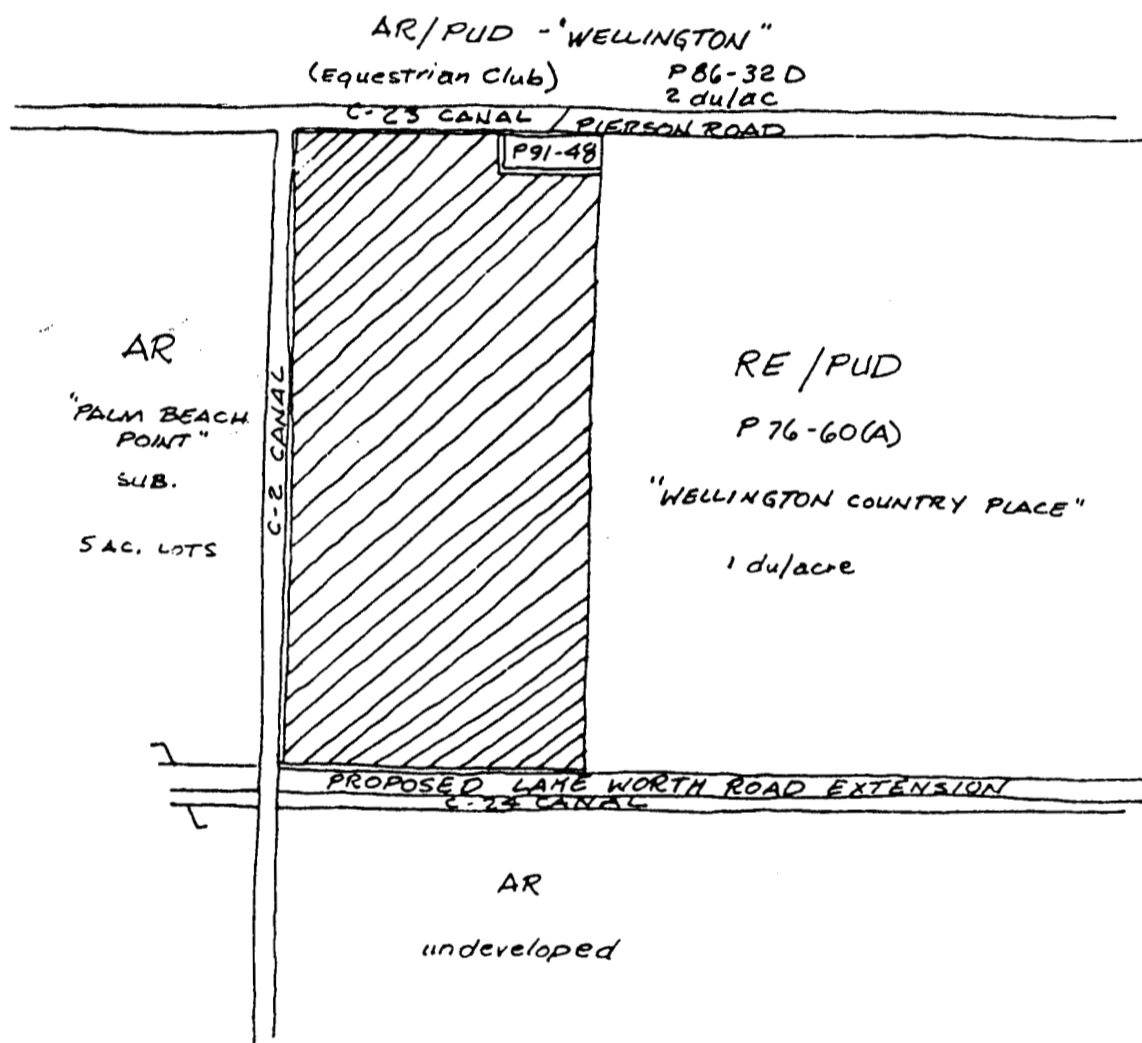
BY: *Richard Otter*
COUNTY ATTORNEY

BY: *Linda C. Hickman*
DEPUTY CLERK



Sec. 20 Twp. 44 Rng. 41
Quadrant Sheet: 78
Aerial Page: 232 B

Vicinity Sketch



Request:

SPECIAL EXCEPTION: AMEND THE MASTER PLAN FOR GRAND PRIX PRD TO DELETE ACREAGE. REZONING: RE TO CRS. **SPECIAL EXCEPTION:** HORSE TRAINING AND BREEDING FARM.

PETITION NO: 89-124(A)

BCC DISTRICT: 6